

(Translation)

**Interrogation**

**mailed on December 18, 2009**

Appeal No. 2009-011864

(Japanese Patent Application No. 2005-213936)

Please submit a Written Reply about the following points for this appeal case within three months from the Delivery Date of this interrogation.

**Remarks**

With respect to this appeal case, as a result of examination by the Examiner (Reconsideration by the examiner before trial, under Section 162 of the Japanese Patent Law), the Examiner made a report to the Commissioner of the Japan Patent Office to the effect that this application shall not be granted a patent (Reconsideration Report, under Section 164, Paragraph 3 of the Japanese Patent Law) as set forth in the <<Contents of Reconsideration Report>> shown below. Examination of this appeal case will be conducted based upon this <<Contents of Reconsideration Report>>.

This interrogation (under Section 134, Paragraph 4 of the Japanese Patent Law) is to have the Demandant's opinion about the <<Contents of Reconsideration Report>> before conducting the examination of this appeal case. Please answer if there is your opinion about this interrogation.

(Remark)

- This interrogation is not a Notice of Reason for Rejection (Section 50 of the Japanese Patent Law which shall apply mutatis mutandis to Section 159 of the same Law). Accordingly, note that an amendment under Section 17<sup>bis</sup> of the same Law cannot be made when replying to this interrogation. In the case where there is a ground for rejection different from the grounds for

reason stated in the Official Notice of Final Decision of Rejection and where the Collegial Body finds it is necessary to notify the rejection, such rejection will be newly notified, and a chance to make an amendment(s) under Section 17<sup>bis</sup> of the same Law will be given.

- In the case where the Demandant no longer has an intention to continue to prosecute this appeal case as a result of study of the <<Contents of Reconsideration Report>>, the Demandant is requested to withdraw the Written Appeal promptly.

- In the case where no answer has been made, although the Demandant will not be treated disadvantageously in the examination, the Collegial Body might ask whether the Demandant has an intention to continue to prosecute this appeal case.

<<Contents of the Reconsideration Report>>

#### Reconsideration Report

Appeal Number: 2009-011864

Application Number: 2005-213936

Examiner of JPO: Akira TANJI 8320 5J00

Drafted: October 29, 2009

The following is a report on the application in connection with this Written Appeal.

#### Remarks

The amendment dated July 29, 2009 is the elucidation of an obscure description.

However, in a CDMA communication system, access signals and pilot signals are well known and therefore there is no need to present a reference. Thus, it is not considered that there

is a remarkable difficulty in including the mentioned publicly-known signals when a subscriber unit initializes an access procedure in an initialization state accompanied with transmit power control like the present invention.

Incidentally, the Demandant argues as follows in the reasons for Written Appeal, as a remarkable result produced by the present invention as amended:

"With this configuration, thanks to the resulted signals generated, the decoding of access channels in a base station is further facilitated." However, since the original specification of the present application does not provide specific description as to with what processing the decoding of access channels in the base station is "further facilitated," the argument is not based on the descriptions of the specification. Further, if the above result is regarded as obvious one which is interpretable without specific description of the specification, such a result cannot be regarded as an advantageous result which shall be adopted when judging the inventive step of the present invention.

Therefore, this application should be rejected as set forth in the reason of the Official Notice of Final Decision of Rejection.

#### Reference List

1. Japanese Patent Application Laid-open No. Hei 07-095151 (Already delivered.)
2. Japanese Patent Application Laid-open No. Hei 07-075154 (Already delivered.)
3. Japanese Patent Application Laid-open No. Hei 06-268574 (Already delivered.)
4. International Publication No. WO 95/15038 (Already delivered.)
5. International Publication No. WO 95/08876 (Already delivered.)

6. Japanese Patent Application Laid-open No. Hei 07-030483  
(Already delivered.)
7. Japanese Patent Application Laid-open No. Hei 06-511609  
(Already delivered.)
8. Japanese Patent Application Laid-open No. Hei 07-502398  
(Already delivered.)